



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION I

5 Post Office Square, Suite 100
Boston, MA 02109-3912

5 October 2016

MAJ John Bagaglio, Environmental Program Manager
Massachusetts Army National Guard
Joint Force Headquarters
2 Randolph Road
Hanscom AFB, MA 01731-3001

RE: Joint Base Cape Cod (Massachusetts Military Reservation)
Massachusetts National Guard Request to Modify Prohibition on Live Firing and Use of
Pyrotechnics
EPA Proposed Response for Public Comment

Dear MAJ Bagaglio:

By letter dated 31 August 2016, the Massachusetts National Guard ("MANG"), on behalf of itself and the National Guard Bureau ("NGB"), requested that the United States Environmental Protection Agency ("EPA") modify the Scope of Work ("SOW") to Administrative Order SDWA I-97-1030 ("AO2") issued pursuant to Section 1431(a) of the Safe Drinking Water Act with respect to the Joint Base Cape Cod ("JBCC"). First, the MANG requested that the prohibition of "All firing of lead ammunition or other 'live' ammunition at small arms ranges at or near the Training Range and Impact Area" be modified. Second, the MANG requested that the prohibition of "All use of pyrotechnics at or near the Training Range and Impact Area" be modified. Third, the MANG requested that the pilot project at Tango, Juliet and Kilo Ranges be terminated. MANG also requested that EPA accept and approve the Pilot Period Final Report for Tango, Juliet and Kilo Ranges, and recognize the Commonwealth of Massachusetts Environmental Management Commission (EMC) as the oversight body for small arms range development and pyrotechnic use at Camp Edwards.

This letter constitutes EPA's proposed response to MANG's requests. This proposed response will be subject to public comment for the next 30 days, as described more fully in Section V of this letter.

As explained more fully below in this letter, EPA proposes as follows:

1. Modify AO2 to terminate the pilot program at Juliet, Kilo, and Tango small arms ranges at JBCC, and exclude from the prohibition on "live firing", the following: All firing of lead ammunition or other 'live' ammunition at Juliet, Kilo, and Tango ranges will not be

excluded, to the extent it receives continued approval and oversight from EMC in accordance with the Environmental Performance Standards.

2. Modify AO2 to exclude from the prohibition on “live firing”, the following: Use of the pyrotechnic device – M116A1 Hand Grenade, the M228 fuse used with the M69 Hand Grenade, and the Percussion Activated Neutralizer will not be excluded, to the extent it receives continued approval and oversight from EMC in accordance with the Environmental Performance Standards.
3. Modify AO2 to exclude from the prohibition on “live firing”, the following: All firing of lead ammunition or other ‘live’ ammunition at small arms ranges at or near the Training Range and Impact Area will not be excluded, to the extent it receives approval and oversight from EMC in accordance with the Environmental Performance Standards,
4. Modify AO2 to exclude from the prohibition on “live firing” , the following: All use of pyrotechnics at or near the Training Range and Impact Area will not be excluded, to the extent it receives approval and oversight from EMC in accordance with the Environmental Performance Standards.

I. EPA’s 1997 Administrative Orders and Prohibition on Certain Training Activities

In February 1997, EPA issued Administrative Order SDWA I-97-1019 (“AO1”) after finding, inter alia, high levels of lead in soil and groundwater in the Impact Area of Camp Edwards at the Massachusetts Military Reservation (MMR), now JBCC. In the Scope of Work to AO1, EPA ordered the NGB to submit, by March 1997, “information relating to the potential health or environmental effects of past and current activities in the Training Range and Impact Area, including...[s]mall arms firing” and a “[d]escription of pollution prevention measures to be undertaken ... to mitigate the effects on public health and the environment from any future activities at the Training Range and Impact Area, including but not limited to installation of bullet traps and clay liners, as well as an assessment of the effectiveness of the pollution prevention measures.” AO1, Appendix A (Scope of Work), ¶¶ II.A.3.a,II.B.6.

In March 1997, the NGB and MANG submitted to EPA proposed pollution prevention measures for the Training Ranges and Impact Area.

In May 1997, EPA issued AO2, which required implementation of measures to protect from contamination the sole source Cape Cod Aquifer, including the pollution prevention measures that the NGB and MANG had proposed in March 1997, certain additional pollution prevention and control measures specified by EPA, and other specified work. See AO2, Appendix A. In particular, AO2 required the NGB to cease firing live ammunition at the small arms ranges:

- A. Respondents shall implement the following pollution prevention measures at or near the Training Range and Impact Area:
 1. During the performance of the study of the Training Range and Impact Area being performed by the National Guard Bureau pursuant to the February 27, 1997 Order, and following completion of such study until EPA approves in writing the resumption of activities, except as provided in Section XXXIV of

the order, Modification of the SOW, Respondents shall suspend the following activities:

- a. All firing of lead ammunition or other “live” ammunition at small arms ranges at or near the Training Range and Impact Area....; AO2, Appendix A (Scope of Work), ¶ II.A.1.a.
- b. All use of pyrotechnics at or near the Training Range and Impact Area....; AO2, Appendix A (Scope of Work), ¶ II.A.1.f.

II. MANG Petitions Regarding EPA Prohibitions

A. June 2007 Petition for Approval to Fire Lead Ammunition at Tango Range

In March 2006, the MANG indicated a desire to resume training with lead ammunition at the small arms ranges. As a result of this request, an interagency Command Group and a Small Arms Working Group were formed to develop a plan for this project, including remediation before any training, and pollution prevention and environmental monitoring during training.

On June 13, 2007, the MANG, on behalf of itself and the NGB, submitted to EPA a written petition for modification of the Scope of Work of AO2, pursuant to Paragraph 125 of AO2.

In its petition, the MANG requested a limited modification of the Scope of Work to AO2. Specifically, the petition requested that Paragraph II.a.1.a, which prohibits firing of lead ammunition at small arms ranges, be modified to allow limited firing of lead ammunition at Tango Range. The MANG stated that “[i]n order to comply with new Department of Defense and Department of the Army guidance to the National Guard to reduce deployment time for the soldier from about 18 months down to approximately 12 months, each State must maximize the allotted training time it has prior to unit deployment” and that in order to achieve this, “the Camp Edwards small arms training ranges are a critical training component across New England” in order for soldiers to be certified before deployment. EPA provided an informal two week public comment period on the MANG’s petition and supporting documents before issuing its decision.

On July 23, 2007, EPA responded to the petition by issuing a Limited Authorization for Lead Ammunition Training (“LALAT”) and modifying the Scope of Work to AO2 accordingly. See Limited Authorization for Lead Ammunition Training (July 23, 2007). The LALAT authorized lead ammunition firing at Tango Range under specified conditions for a seventeen month pilot period, from August 1, 2007 to December 31, 2008, and emphasized that “[a]fter the conclusion of the pilot period, Respondents may not fire lead ammunition at any small arms ranges, including T Range, at or near the Training Range and Impact Area.” AO2, Appendix B (Limited Authorization for Lead Ammunition Training), ¶ II.E. The LALAT further required a final report on the pilot project:

After the end of the pilot period, Respondents shall submit to EPA a final report on the results of the pilot project. The report shall describe the use history for the range, including the number of bullets fired on the range and the number of bullets contained in the bullet capture system. The report shall summarize any operational issues encountered and how they were resolved, and shall include all monitoring data collected for the pilot period. The

report shall include a section with recommendations on any necessary changes to the system or its operation, monitoring, and/or maintenance plans. Respondents must submit this report to EPA no later than March 2, 2009 unless [EPA] grants an extension in writing.

Id. ¶ II.C.5. EPA also noted in the cover letter to the LALAT that:

After the conclusion of the pilot project (December 2008), EPA expects that the relevant stakeholders will reconvene to analyze and discuss the data generated during the pilot project. If the MANG wishes to request to renew this limited authorization, EPA expects to conduct a rigorous scientific analysis of the data from the pilot project and to invite substantial public involvement in determining whether a renewal would be “necessary and appropriate” under AO2. EPA also understands that the MANG may be interested in requesting similar pilot projects for other small arms ranges, such as the J (Juliet) and/or K (Kilo) Ranges, at some point in the future. Naturally, EPA will review any such requests when received, but EPA would expect the MANG to demonstrate that such requested modifications would be “necessary and appropriate” in light of the field results from the T Range pilot project.

B. September 2008 Petition for Approval to Continue Firing Lead Ammunition at Tango Range and to Fire Lead Ammunition at Juliet and Kilo Ranges

On September 25, 2008, the MANG submitted a petition requesting both that the authorization for lead ammunition training at Tango Range be extended “past 31 December 2008 until EPA has rendered its final decision on the Tango Range [trial] period final report,” and also that EPA “[a]llow for operation and use of lead ammunition on Juliet and Kilo Ranges in accordance with all applicable best management practices (BMPs), operation management and maintenance plans (OMMPs), local, state, and federal regulations.” The MANG stated that “the requested resumption of live fire training is necessary for force protection and military readiness” because “all Guard personnel [must] be qualified on all of their assigned weapon systems prior to deployment” and that, in order to meet training and qualification standards before mobilization, “the availability of additional small arms ranges at Camp Edwards is critical.”

On January 28, 2009, EPA responded to the petition by issuing a Revised Limited Authorization for Lead Ammunition Training (“RLALAT”) and modifying the Scope of Work to AO2 accordingly. The RLALAT authorized lead ammunition firing at Tango Range for one additional year to December 31, 2009, and authorized lead ammunition training at Juliet and Kilo Ranges until December 31, 2009. MANG was required to submit a final report on the results of the Tango Range pilot project by April 2, 2009, and EPA expected that the relevant stakeholders would reconvene to analyze and discuss the data generated during the pilot project. The MANG was required to submit a report on any compliance issues by June 30, 2009. EPA authorized lead ammunition training at the three ranges through 2009 on the basis of the data presented to date.

EPA has annually extended Appendix B and C’s authorized pilot period for firing lead ammunition at T, J, and K Ranges upon request of MANG and after assuring that the conditions for operation of J, K, and T Ranges remained in accordance with the approved *Best Management Practices and Operations, Maintenance and Monitoring Plan for Juliet, Kilo and Tango Ranges at Camp Edwards, Massachusetts*, and Appendix B and C to the AO2 SOW.

C. October 2009 Petition for Approval to use pyrotechnic device – M116A1 Hand Grenade

On October 26, 2009, the MANG submitted a petition requesting that EPA concur with the use of a reformulated pyrotechnic device – M116A1 Hand Grenade. In its petition, the MANG specifically requested that “Section 11, A., f., Response Activities, page 29 of the A02 SOW, which “suspend(s) the following activities... All use of pyrotechnics at or near the Training Range and Impact Area” be modified to allow the use of a reformulated pyrotechnic device -M116A1 Hand Grenade (DODIC L601), in those areas of Camp Edwards. The MANG stated that one of the most present and deadly hazards our Soldiers face overseas is improvised explosive devices (IED's). With this pyrotechnic training tool available once again regionally, our local Soldiers will be able to be trained close to home with the necessary realism. This is an important goal for the MANG along with responsible stewardship and care of the environment. EPA provided a 30-day public comment period on the MANG’s petition and supporting documents before issuing its decision.

In a letter dated January 12, 2010, MANG indicated that they would use no more than 1000 grenades per year in an area of 1 acre in size at JBCC. EPA responded that given the number of items to be used by the MANG in a given year, the size of the area where the items would be used and the amount of contaminants contained in the M116A1 grenade, EPA did not expect that the use of the items in this manner would present a threat to the sole source aquifer.

On March 24, 2010, EPA modified EPA Docket No. SDWA I-07-1030 for Limited Authorization for M116A1 Hand Grenade Simulator (DODIC L601) Training. This two year limited authorization concluded on June 7, 2012. On June 25, 2012, the MANG provided a Final M116A1 Hand Grenade Simulator Summary Report. This report summarized the use of the grenade simulator over a two year period and provided sampling results for the constituents of concern, chlorate.

On June 25, 2012, EPA modified AO2, Appendix A (Scope of Work), ¶ II.A.1.f, to authorize the use of one pyrotechnic device, the M116A1 Hand Grenade (DODIC L601) as follows:

f. All use of pyrotechnics at or near the Training Range and Impact Area except as provided in Appendix D;

Newly added Appendix D revision 1 to AO2 now allows an authorization to use one type of pyrotechnic device, the M116A1 Hand Grenade (DODIC L601), subject to certain conditions, including in quantities no greater than 1,000 within a one year time period.

D. January 2013 Petition for Approval of M228 fuse used with the M69 Hand Grenade Simulator

On January 25, 2013, the MANG submitted a petition requesting that EPA concur with the use of the M228 fuse that is used with the M69 Hand Grenade Simulator. In its petition, the MANG specifically requested that “Section II, A., f, Response Activities, page 29 of the A02 SOW, which “suspend(s) the following activities...All use of pyrotechnics at or near the Training Range and Impact Area” be modified to concur with the use of M228 fuse that is used with the M69 Hand Grenade Simulator, in those areas of Camp Edwards. The MANG stated that it believed the new device is an effective and environmentally safe alternative that meets EPA's modification requirements and can be responsibly used in various required training scenarios throughout the base

without additional restrictions. With this pyrotechnic training tool available local Soldiers would be able to be trained close to home with the necessary realism. EPA provided a 30-day public comment period on the MANG's petition and supporting documents before issuing its decision.

On May 2, 2013, EPA modified AO2, Appendix A (Scope of Work), ¶ II.A.1.e and ¶ II.A.1.f to authorize the use of the M228 fuse with the M69 Hand Grenade as follows:

e. All use of artillery and mortar propellants in non-live firing of munitions at or near the Training Range and Impact Area; provided however, that the use of the M69 Hand Grenade Simulator, in quantities no greater than 4,300 practice grenades per year shall not be prohibited.

f. All use of pyrotechnics at or near the Training Range and Impact Area; provided however, that the use of the M69 Hand Grenade Simulator, in quantities no greater than 4,300 practice grenades per year shall not be prohibited.

E. August 2015 Petition for Approval of the Percussion Activated Neutralizer

On August 18, 2015, MANG requested the use of the Percussion Activated Neutralizer (PAN) training device at the Cantonment Area between East Outer Road and East Truck Road adjacent to the EOD building, at the Cantonment Area at MOUT Site Calero, and at the Soldier Validation Lane in Camp Edwards Training Area. The MANG stated that with this training tool available to Explosive Ordnance Device Soldiers, they will be able to conduct their required initial training at Camp Edwards, thereby increasing training time and avoiding excess travel time to installations further afield. This is an important goal for the MANG along with responsible stewardship and care of the environment. EPA provided a 30-day public comment period on the MANG's petition and supporting documents before issuing its decision.

On April 5, 2016, EPA modified AO2, Appendix A (Scope of Work), ¶ II.A.1.f, to authorize the use of the PAN as follows:

f. All use of pyrotechnics at or near the Training Range and Impact Area, provided however, that the use of the Percussion Activated Neutralizer, in quantities no greater than 250 per year, shall not be prohibited in the Cantonment Area between East Outer Road and East Truck Road adjacent to the EOD building, in the Cantonment Area at MOUT Site Calero, and in the Soldier Validation Lane at Camp Edwards.

III. Current Request by MANG: August 2016 Petition for Approval to End the Prohibition of Firing Lead Ammunition or other 'live' ammunition at Small Arms Ranges at or Near the Training Range and Impact Area, and All Use of Pyrotechnics at or Near the Training Range and Impact Area

On August 31, 2016, the MANG submitted a petition requesting both that the prohibition of "All firing of lead ammunition or other 'live' ammunition at small arms ranges at or near the Training Range and Impact Area" and "All use of pyrotechnics at or near the Training Range and Impact Area" be ended. The MANG also requested that the pilot project at Tango, Juliet and Kilo Ranges be terminated. MANG also requested that EPA accept and approve the Pilot Period Final Report for Tango, Juliet and Kilo Ranges, and recognize the EMC as the oversight body for small arms range development and pyrotechnic use at Camp Edwards.

MANG stated that in conjunction with the Small Arms Range Working Group, range specific Best Management Practice (BMP): Operations, Maintenance, and Monitoring Plans have been developed for Tango, Juliet and Kilo Ranges. These plans have been consolidated and regularly updated as the need for improved communications and processes have been identified. To date, these plans have been updated on 14 occasions to provide more efficient BMPs and to be further protective of the resources at hand. MANG also explained that: it is committed to continue this adaptive process for the BMPs; the MANG has routinely updated the EPA, MassDEP, EMC, as well as other stakeholder groups, regarding the status and use of Tango, Juliet, and Kilo Ranges; updates regarding approval and use of pyrotechnics have also been provided to stakeholders; as part of the overall process, the MANG routinely briefs the EMC, Science Advisory Council, Community Advisory Council, stakeholders and the public on the operational status of Tango, Juliet and Kilo Ranges and the use of pyrotechnics as required.

The MANG has stated that: it is committed to request sufficient funds to sustain proper operation and maintenance of the STAPPTM system at Tango, Juliet and Kilo Ranges, and develop Operations, Maintenance, and Monitoring Plan at other small arms ranges that may be developed in addition to Standard Operating Procedures for the use of pyrotechnics that may be proposed for use; the MANG has obligations to conduct training activities in a manner that protects the groundwater and ecological resources at Camp Edwards and complies with all applicable local, state, and federal environmental requirements; modification of AO2 to allow live firing of lead ammunition, and pyrotechnic use at Camp Edwards with the oversight of the EMC and subject to BMPs is an appropriate approach to achieve the goals of training and environmental protection.

IV. EPA Proposed Findings for Public Comment

EPA's present findings are based on EPA's review of the information submitted by MANG to date regarding the Tango, Juliet, and Kilo Ranges pilot project and on investigatory and remedial activities at the Small Arms Ranges, and on the limited use of certain pyrotechnic training devices at and near the Training Range and Impact Area.

The studies and data submitted by the MANG indicate that:

- a. Lead has been detected in a limited number of wells downgradient of the small arms ranges, but no plumes have been identified.
- b. The lack of significant groundwater contamination is attributable to two main reasons: (1) the geochemistry of the soil serves to retard the migration of lead, and (2) the depth to groundwater is deep, and substantial intervening soil acts as an absorbent.
- c. The information does not support the conclusion that lead is immobile in soil. Rather, the data suggests that lead in soil will take a long time to significantly impact the groundwater. It could take anywhere from several hundred to over a thousand years for groundwater to exceed drinking water standards.
- d. Removal actions have been conducted at the B, C, G, KD, N, Former B, Former C, Former D, Former N and Former M-2 Ranges to address elevated levels of Small Arms related metals (including antimony, lead, and tungsten) in surface soils. The mass of these contaminants has been greatly reduced at the Small Arms Ranges as a result of these and other soil removal actions and range maintenance activities. Therefore, the risk of future impacts to groundwater has been reduced.

- e. A long-term groundwater monitoring program with land use controls to protect monitoring wells and other environmental sampling equipment has been implemented at the B, C, G, GA/GB, I, J, K, SE/SW, and T Ranges to verify that these ranges are not currently a source of groundwater contamination above action levels.
- f. Operations, Maintenance, and Monitoring plans are created for all ranges and devices approved for use. These plans have been developed in partnership with EPA, MassDEP, and the EMC. The goal of these plans is to avoid any releases or damage to the environment that may cause harm to the Camp Edwards Training Area/Upper Cape Water Supply Reserve's groundwater resources. These plans provide for the monitoring of environmental media that includes soil, porewater and groundwater.
- g. Soil samples at Tango, Juliet and Kilo Ranges are currently analyzed for antimony, lead, and copper. During the nine year pilot period no Action Levels for soil have been exceeded at Tango, Juliet, or Kilo Ranges.
- h. Based on currently available data, the resumption of lead ammunition training at J, K and T Ranges has not led to lead contamination in pore water or groundwater.
- i. The operational history of the STAPP™ systems at J, K and T Ranges demonstrates that although the systems have experienced unanticipated problems, the MANG has acted to investigate, research, and implement solutions to problems as they are discovered.
- j. A Pilot Period Final Report for J, K and T Ranges which summarizes the use of the ranges, any operational issues encountered and how they were resolved, all environmental monitoring data, changes made to the systems and the Operations, Maintenance and Monitoring Plan (OMMP), and lessons learned for the pilot period which ran from 2007 to 2016 has been approved of by EPA. Section 7 of this report provides a description of the EMC and the Environmental Performance Standards, which govern the use and operation of the ranges under Chapter 47 of the Acts of 2002 for the Commonwealth of Massachusetts.
- k. Three pyrotechnic devices used in training have been approved for use by EPA on a limited basis and subject to certain conditions. The first was the M116A1 hand grenade simulator (25 June 2012), the next was the M69 practice grenade with the M228 fuse (2 May 2013) and the third was the PAN (1 June 2016). Where appropriate these devices have been tested to determine if there are constituents of concern and/or the ingredient list has been presented to EPA and EMC for review. Pyrotechnic items currently in use have limitations placed on the number of devices to be used annually. All items approved and in use have a Standard Operating Procedure (SOP) in place. These SOPs provide all users directions for use, management, and reporting for these devices on Camp Edwards.
- l. The EMC was created in 2000. The EMC is comprised of the Department of Fish and Game, the Department of Environmental Protection and the Department of Conservation and Recreation. Its authority is derived from Massachusetts Chapter 47 of the Acts of 2002.
- m. The EMC oversees compliance with, and enforcement of, the Environmental Performance Standards. Environmental Performance Standards are a set of standards specifically created through the Massachusetts Environmental Policy Act process to protect all environmental resources at Camp Edwards.
- n. Along with EPA and MassDEP, the EMC has successfully overseen small arms, pyrotechnic use, and training at Camp Edwards for 15 years. The EMC conducts training area inspections (to include small arms ranges) and regular public meetings and receives input and advice from its Science and Community Advisory Councils. On a day-to-day basis, the EMC's Environmental Officer has direct oversight of training and information access.
- o. Monitoring data show that current small arms range training activities at the STAPP™ ranges, when properly operated and maintained, can be conducted without causing

unacceptable contamination levels in the groundwater. Management, operational controls, environmental monitoring, and inspections are provided through an Operations, Maintenance and Monitoring Plan with emphasis on timely projectile removal and environmental monitoring along with internal inspections being conducted by Camp Edwards Range Control, and environmental staff, and external inspections conducted by the EMC's Environmental Officer.

- p. The MANG has committed to EPA that it will continue to request sufficient funds to sustain proper operation and maintenance of the STAPP™ systems at J, K and T Ranges.

V. EPA's Proposed Modification for Public Comment

Based on the above discussion and findings, EPA submits for public comment a proposal to modify AO2 as specified below: EPA hereby proposes to modify AO2, Section II.A.1.a and Section II.A.1.f, Response Activities. The specific modification proposed at this time by EPA is to modify AO2, Scope of Work, Section II.A.1.a and Section II.A.1.f, to read as follows:

a.i. All firing of lead ammunition or other "live" ammunition at Juliet, Kilo, and Tango ranges will not be excluded, to the extent it receives continued approval and oversight from EMC in accordance with the Environmental Performance Standards.

- (A) The authorization is conditioned upon continued compliance with all conditions established by the EMC.
- (B) The authorization is conditioned upon MANG requesting and receiving the funds necessary to ensure compliance with the approved Operations, Maintenance, and Monitoring Plan.
- (C) The authorization does not extend to any other ammunition or training device.
- (D) The proposed use of this ammunition or training device is authorized only to the extent it does not interfere with the completion of investigation and cleanup activities.
- (E) This decision will be reviewed as appropriate, but in no event less often than every five years. The purpose of the review is to revisit the appropriateness of the decision in providing adequate protection of human health. The scope of the review will include, but is not limited to the following questions: are the ranges operating as designed (i.e., monitoring or maintenance); have any of the cleanup standards changed since this decision; and is there any new information that would warrant modifying or withdrawing this decision. If appropriate, additional actions (including, if necessary, reopening this decision) may be required as a result of these reviews. EPA retains all its enforcement authorities pursuant to its four Administrative Orders.

a.ii. All firing of lead ammunition or other "live" ammunition at small arms ranges at or near the Training Range and Impact Area will not be excluded, to the extent it receives approval and oversight from EMC in accordance with the Environmental Performance Standards,

- (A) The authorization is conditioned upon continued compliance with all conditions established by the EMC.

- (B) The authorization is conditioned upon MANG requesting and receiving the funds necessary to ensure compliance with the approved Operations, Maintenance, and Monitoring Plan.
- (C) The authorization does not extend to any other ammunition or training device.
- (D) The proposed use of this ammunition or training device is authorized only to the extent it does not interfere with the completion of investigation and cleanup activities.
- (E) This decision will be reviewed as appropriate, but in no event less often than every five years. The purpose of the review is to revisit the appropriateness of the decision in providing adequate protection of human health. The scope of the review will include, but is not limited to the following questions: are the ranges operating as designed (i.e., monitoring or maintenance); have any of the cleanup standards changed since this decision; and is there any new information that would warrant modifying or withdrawing this decision. If appropriate, additional actions (including, if necessary, reopening this decision) may be required as a result of these reviews. EPA retains all its enforcement authorities pursuant to its four Administrative Orders.

f.i. All use of pyrotechnics M116A1 Hand Grenade, the M228 fuse used with the M69 Hand Grenade, and the PAN at or near the Training Range and Impact Area will not be excluded, to the extent it receives continued approval and oversight from EMC in accordance with the Environmental Performance Standards.

- (A) The authorization is conditioned upon continued compliance with all conditions established by the EMC.
- (B) The authorization is conditioned upon MANG requesting and receiving the funds necessary to ensure compliance with the approved Operations, Maintenance, and Monitoring Plan.
- (C) The authorization does not extend to any other ammunition or training device.
- (D) The proposed use of this ammunition or training device is authorized only to the extent it does not interfere with the completion of investigation and cleanup activities.
- (E) This decision will be reviewed as appropriate, but in no event less often than every five years. The purpose of the review is to revisit the appropriateness of the decision in providing adequate protection of human health. The scope of the review will include, but is not limited to the following questions: are the ranges operating as designed (i.e., monitoring or maintenance); have any of the cleanup standards changed since this decision; and is there any new information that would warrant modifying or withdrawing this decision. If appropriate, additional actions (including, if necessary, reopening this decision) may be required as a result of these reviews. EPA retains all its enforcement authorities pursuant to its four Administrative Orders.

f.ii. All use of pyrotechnics at or near the Training Range and Impact Area will not be excluded, to the extent it receives approval and oversight from EMC in accordance with the Environmental Performance Standards.

- (A) The authorization is conditioned upon compliance with all conditions to be established by the EMC.

- (B) The authorization is conditioned upon MANG requesting and receiving the funds necessary to ensure compliance with the Standard Operating Procedures, and Operations, Maintenance, and Monitoring Plans.
- (C) The authorization does not extend to any other ammunition or training device.
- (D) The proposed use of these training devices is authorized only to the extent it does not interfere with the completion of investigation and cleanup activities.
- (E) This decision will be reviewed as appropriate, but in no event less often than every five years. The purpose of the review is to revisit the appropriateness of the decision in providing adequate protection of human health. The scope of the review will include, but is not limited to the following questions: are the ranges operating as designed (i.e., monitoring or maintenance); have any of the cleanup standards changed since this decision; and is there any new information that would warrant modifying or withdrawing this decision. If appropriate, additional actions (including, if necessary, reopening this decision) may be required as a result of these reviews. EPA retains all its enforcement authorities pursuant to its four Administrative Orders.

If this proposed modification is made effective, it would not modify any other provision of the AOs.

V. Procedure

EPA is accepting public comments on this proposal until November 5, 2016. A public meeting has been scheduled for 6:00 P.M. on October 12, 2016, at Building 1805, Welcome Center, on JBCC.

All public comments must be submitted in writing, and may be sent to:

Lynne A. Jennings
U.S. EPA
5 Post Office Square – Suite 100
Boston, MA 02109-3912

At the close of the public comment period, EPA will review public comments, make any appropriate changes, and issue its final decision.

If you have any questions about the terms of this proposed modification, please contact me at (617) 918-1210.

Sincerely,



Lynne A. Jennings

cc: L. Pinaud/EMC
M. Ciaranca/E&RC

S. Cody/IAGWSP
T. Conway

J. Dolan
A. Loughlin